

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES CHAFFEE.

Plaintiff,

VS.

DAVID CHIU, et al.,

Defendants.

Case No.: C-11-05118-YGR

**ORDER REGARDING EX PARTE
COMMUNICATION WITH THE ASSIGNED
JUDGE**

Plaintiff sent a letter to the Clerk of the Court on June 29, 2012 regarding the issuance of subpoenas in this action. Plaintiff's letter was addressed to the Clerk of the Court, copying Chief Judge Ware and Judge Gonzalez Rogers. Plaintiff did not copy opposing counsel on the letter. Civil Local Rule 11-4(c) states that:

Except as otherwise provided by law, these Local Rules or otherwise ordered by the Court, an attorney or party to an action must refrain from making telephone calls or writing letters or sending copies of communications between counsel to the assigned Judge or the Judge's law clerks or otherwise communicating with a Judge or the Judge's staff regarding a pending matter, without prior notice to opposing counsel.

(Emphasis supplied.) Because Defendants' counsel was not copied on the letter, it is an improper ex parte communication to the assigned Judge. The letter and mailing envelope are attached as an exhibit to this Order.

Plaintiff is advised for future reference that any communications sent to the assigned Judge for any reason in this action must be shared with Defendants' counsel.

IT IS SO ORDERED.

Dated: July 2, 2012

Yvonne Gonzalez Rogers
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE